

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

RAYNALDO RIVERA ORTIZ, JR.

CASE NO. 3:22-CR-378-N

GOVERNMENT’S DISCLOSURE OF EXPERT WITNESS

The United States of America (the government) notifies the Court and the defendant, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), that it intends to present expert testimony from the individuals listed below:

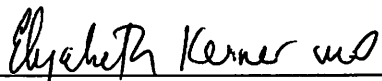
Dr. Elizabeth Kerner, M.D.
6130 W. Parker #110
Plano, Texas 75093
(972) 781-9144

Dr. Kerner is a plastic surgeon at Texas Health Presbyterian Hospital in Plano, Texas, where she has practiced for 36 years. She is also affiliated with Baylor Scott & White Surgicare North Dallas (BSW) and the Texas Health Center for Diagnostics & Surgery in Plano. She graduated with honors from Vanderbilt University with a Bachelor of Science. She received her medical degree from the Baylor College of Medicine and is board certified by the American Board of Plastic Surgery. She is a previous President of the Texas Society of Plastic Surgeons and has published several scholarly works within the field of plastic and aesthetic surgery. Dr. Kerner is an expert in plastic and aesthetic surgery.

Dr. Kerner will testify about the August 4, 2022 and August 19, 2022 surgeries she performed on Tammy Young and Kelly Pfeifer, respectively, the details of which are contained in medical records provided by Baylor Scott & White Surgicare North Dallas (BSW). Dr. Kerner will testify about those records and about those surgeries based on her extensive training and experience, much of which is described in her CV, as well as her observations of the surgeries she performed on Ms. Young and Ms. Pfeifer. Dr. Kerner will testify about the typical procedures used in the types of cosmetic surgeries she performed on Ms. Young and Ms. Pfeifer, and she will also testify to her opinion that the procedures on Ms. Young and Ms. Pfeifer were typical and unexceptional until complications arose in both surgeries. Dr. Kerner will testify as to her opinion that, because each surgery was unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery. Dr. Kerner will also testify about the typical use of local anesthetics used by surgeons performing cosmetic surgeries, and her opinion that the incidents with Ms. Young and Ms. Pfeifer could not have been caused by the customary use of local anesthetics.

Dr. Kerner has not testified as an expert at any trials or depositions in the last four years. Her curriculum vitae has been attached to this filing as Exhibit A. The government expects to demonstrate, by virtue of her education, continuing training, and experience, that Dr. Kerner has specialized knowledge, skills, experience, training, and education in the field of medicine and surgery. Fed. R.

Evid. 702(a). Further, the government expects to show that her specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to cosmetic surgery and related anesthesia.



Dr. Elizabeth Kerner

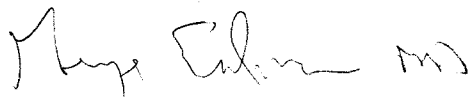
Dr. George Erdman, MD
US Anesthesia Partners of Texas
6606 LBJ Freeway, Suite 200
Dallas, Texas 75240
(972) 715-5000

Dr. Erdman is an anesthesiologist in Dallas, Texas. In this role he provides direct patient care in general, plastic, ENT, vascular, orthopedic, and neurosurgery in addition to overseeing nurse anesthetists. He is certified by the American Board of Anesthesiology and holds a Texas medical license. His undergraduate education was completed at the University of Texas at El Paso in 1968. He attended medical school at the University of Texas Southwestern Medical School in Dallas, Texas. After medical school, Dr. Erdman served as a medical officer in the U.S. Navy before completing his anesthesiology residency at the University of Texas Southwestern Medical Center (UTSW). Following residency, he also completed a fellowship in cardiothoracic anesthesia at UTSW. He practiced with a private anesthesia practice in Dallas, Texas from 1979 on before retiring in 2013. He returned to private practice in 2017 and works full-time presently. He is a member of both the American and the Texas Societies of Anesthesiologists. Dr. Erdman is an expert in anesthesiology.

Dr. Erdman will testify about his participation in the August 4, 2022 surgery performed on Tammy Young, the details of which are contained in medical records provided by Baylor Scott & White Surgicare North Dallas (BSW). Dr. Erdman will testify about those records and the surgery based on his extensive training and experience, much of which is described in his CV, as well as his

observations of the anesthesia he administered to Ms. Young. Dr. Erdman will testify about the typical procedures used in the anesthesia that he administered to Ms. Young, and he will also testify to his opinion that the procedure on Ms. Young was typical and unexceptional until complications arose. Dr. Erdman will testify as to his opinion that, because the anesthesia and surgery were unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery or anesthesia. Dr. Erdman will testify as to his opinion that the serious complications suffered by Ms. Young were similar in nature to a patient being given epinephrine. Dr. Erdman will also testify about the typical use of local anesthetics during surgeries like that of Ms., and his opinion that the incident with Ms. Young could not have been caused by the customary use of local anesthetics.

Dr. Erdman has not testified as an expert at any trials or depositions in the last four years. His curriculum vitae has been attached to this filing as Exhibit B. The government expects to demonstrate, by virtue of his education, continuing training, and experience, that Dr. Erdman has specialized knowledge, skills, experience, training, and education in the field of anesthesiology. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to anesthesiology.

A handwritten signature in cursive script, appearing to read "George Erdman", written in black ink.

Dr. George Erdman

Dr. Chad Marsden, MD
US Anesthesia Partners of Texas, P.A.
12222 Merit Drive, Suite 600
Dallas, Texas 75251
(972) 715-5000

Dr. Marsden is a partner and board-certified anesthesiologist at US Anesthesia Partners of Texas at the North Texas in Dallas, where he has practiced anesthesia for nearly 17 years. He graduated from Brigham Young University in Provo, Utah with a Bachelor of Science degree in Zoology. He also received an medical degree from the Weill Cornell Medical College at Cornell University and completed his anesthesia residency at the University of Virginia Department of Anesthesia, where he was the Chief Resident. Dr. Marsden is board certified by the American Board of Anesthesia. He currently is affiliated with several hospitals and surgery centers, including Baylor Scott & White Surgicare North Dallas (BSW).

Dr. Marsden is an expert in anesthesia and will testify about typical anesthesia practices, including intubating a patient, getting a patient to sleep, monitoring the patient's vital signs and airway during the medical procedure, and waking the patient up for recovery. Dr. Marsden will also testify about the uses and effects of various anesthesia drugs such as propofol and fentanyl, which are used to render patients unconscious, and epinephrine and ephedrine, which can be used in small amounts to increase blood pressure during a procedure if necessary. Dr. Marsden will also testify about the uses and effects of various local anesthetic medications, such as lidocaine and bupivacaine, which are used to numb local

areas of skin or regional areas of the body. Dr. Marsden will testify that those drugs also often contain epinephrine because, when injected at or just under the skin, epinephrine constricts blood flow and reduces bleeding. Dr. Marsden will testify about the incidence of complications from common types of anesthesia procedures like the ones typically performed at BSW and testify to his opinion that the incidence of complications like the ones experienced by patients during summer 2022 was extremely low. He will opine that patients' blood pressures experiencing an extreme and sustained spike is exceedingly rare as an anesthesia complication. Dr. Marsden will base these opinions on his training and experience.

Dr. Marsden will testify about his participation in the August 19, 2022 surgery performed on Kelly Pfeifer, the details of which are contained in medical records provided by BSW. Dr. Marsden will testify about those records and the surgery based on his extensive training and experience, much of which is described in his CV, as well as his observations of the anesthesia he administered to Ms. Pfeifer. Dr. Marsden will testify about the procedures used in the anesthesia that he administered to Ms. Pfeifer, and he will also testify to his opinion that his treatment of Ms. Pfeifer was typical and unexceptional until complications arose. Dr. Marsden will testify as to his opinion that, because the anesthesia and surgery were unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery or anesthesia. Dr. Marsden will testify as to his

opinion that the serious complications suffered by Ms. Pfeifer were similar in nature to a patient being given an epinephrine infusion. Dr. Marsden will also testify about the typical use of local anesthetics during surgeries like Ms. Pfeifer's, and his opinion that the incident with Ms. Pfeifer could not have been caused by the typical use of local anesthetics.

Dr. Marsden will also testify about the opinions he formed over the following few days after the Pfeifer incident. In the days after the Pfeifer incident, based on his observations, training, and experience, Dr. Marsden theorized that the IV bags at BSW had become compromised in some way—due to the similarity of Ms. Pfeifer's condition to an epinephrine infusion, the timing of Ms. Pfeifer's blood pressure spike coinciding with starting a new IV bag, and the fact that Ms. Pfeifer's blood pressure lowered after the IV bag was no longer infusing. Dr. Marsden will also testify that his theory was unexpectedly put to the test when he arrived at BSW on August 24, 2022, (the day of the Jack Adlerstein surgery) and assisted in the response to the Adlerstein incident.

[nothing further on this page]

Dr. Marsden has not testified as an expert at any trials or depositions in the last four years. His curriculum vitae has been attached to this filing as Exhibit C. The government expects to demonstrate, by virtue of his education, continuing training, and experience, that Dr. Marsden has specialized knowledge, skills, experience, training, and education in the field of anesthesiology. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to anesthesiology.

A handwritten signature in black ink, appearing to read "Chad Marsden", written over a horizontal line.

Dr. Chad Marsden

Dr. Duc P. Vo
2241 Peggy Lane, Suite A
Garland, Texas 75042
(972) 276-0536

Dr. Vo is a partner at Orthopedic and Sports Medicine in Garland, Texas. He received his medical degree from the University of Texas Southwestern Medical School in Dallas, Texas. He also received his B.S. in Biochemistry cum laude from Texas A&M University in College Station, Texas. He completed his residency in orthopedics at the University of Texas Medical School in Houston and a Fellowship in combined hand and microvascular medicine at the University of Washington Medical Center in Seattle, Washington. He holds a Texas medical license and is a member of the American Academy of Orthopedic Surgeons, the Dallas County Medical Society, and the Texas Medical Association. He was previously published in the Journal of Hand Surgery.

Dr. Vo will testify about the August 9, 2022 surgery he performed on Jimmy Eller, the details of which are contained in medical records provided by Baylor Scott & White Surgicare North Dallas (BSW). Dr. Vo will testify about those records and about the surgeries based on his extensive training and experience, much of which is described in his CV, as well as his observations of the wrist surgery he performed on Mr. Eller. Dr. Vo will testify about the typical procedures used in the types of orthopedic surgeries like the one he performed on Mr. Eller, and he will also testify to his opinion that the procedure on Mr. Eller was typical and unexceptional until complications arose in the surgery. Dr. Vo

will testify as to his opinion that, because the surgery was unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery. Dr. Vo will also testify about the typical use of local anesthetics used by surgeons performing orthopedic surgeries, and his opinion that the incident with Mr. Eller could not have been caused by the customary use of local anesthetics.

Dr. Vo has not testified as an expert at any trials or depositions in the last four years. Her curriculum vitae has been attached to this filing as Exhibit D. The government expects to demonstrate, by virtue of his education, continuing training, and experience, that Dr. Vo has specialized knowledge, skills, experience, training, and education in the field of orthopedic surgery. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to orthopedic surgery and related anesthesia.



Dr. Duc Vo

Dr. David Billman
US Anesthesia Partners of Texas, P.A.
12222 Merit Drive
Dallas Texas 75251
(972) 715-5000

Dr. Billman is an anesthesiologist currently employed by U.S. Anesthesia Partners in Dallas, Texas, where he has practiced for more than 25 years. He completed medical school at the University of Pittsburgh School of Medicine, followed by residency at the University of Pittsburgh Health Center, both of which are located in Pennsylvania. Following his residency, he served for four years as an active-duty medical officer in the U.S. Air Force at the Wilford Hall Medical Center in San Antonio, Texas. He is a prior director of Organ Transplant Anesthesia Services for the Department of Defense. He currently has hospital privileges at several hospitals, including Baylor Medical Center in Plano, Texas and Methodist Richardson Medical Center in Richardson, Texas. Dr. Billman holds a Texas Medical License and is certified in Advanced Cardiac Life Support. He is currently board certified in anesthesiology.

Dr. Billman will testify about his participation in the August 9, 2022 surgery performed on Jimmy Eller, the details of which are contained in medical records provided by Baylor Scott & White Surgicare North Dallas (BSW). Dr. Billman will testify about those records and the surgery based on his extensive training and experience, much of which is described in his CV, as well as his observations of the anesthesia he administered to Mr. Eller. Dr. Billman will testify about the typical procedures used in the anesthesia that he administered to

Mr. Eller, and he will also testify to his opinion that the procedure on Mr. Eller was typical and unexceptional until complications arose. Dr. Billman will testify as to his opinion that, because the anesthesia and surgery were unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery or anesthesia. Dr. Billman will testify as to his opinion that the serious complications suffered by Mr. Eller were similar in nature to a patient being given epinephrine. Dr. Billman will also testify about the typical use of local anesthetics during surgeries like that of Mr. Eller, and his opinion that the incident with Mr. Eller could not have been caused by the customary use of local anesthetics.

Dr. Billman has not testified as an expert at any trials or depositions in the last four years. His curriculum vitae has been attached to this filing as Exhibit E. The government expects to demonstrate, by virtue of his education, continuing training, and experience, that Dr. Billman has specialized knowledge, skills, experience, training, and education in the field of anesthesiology. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to anesthesiology.

 MD

Dr. David Billman

Dr. Thomas Y.L. Hung, MD
Dallas ENT Group
2720 Hillcrest Road, Suite 900
Dallas, Texas 75230
(972) 566-8300

Dr. Hung is an otolaryngologist, commonly known as an ENT. He has been in private practice since 2005 at the Dallas ENT Group in Dallas, Texas, where he is currently a partner. He has a B.A in molecular biology/biochemistry from Middlebury College in Middlebury, Vermont and graduated cum laude. He attended medical school at the University of Massachusetts Medical School in Worcester, Massachusetts. After medical school, he completed a general surgery internship at Massachusetts General Hospital via Harvard Medical School in Boston. He then completed an otolaryngology residency and a fellowship in facial plastic and reconstructive surgery at Duke University Medical Center (DUMC) in Durham, North Carolina. He served as a Clinical Assistant Professor in DUMC's Division of Otolaryngology for three years. He then served as the Chief of Otolaryngology at the Veterans Administration Medical Center in Durham for three years. Since then, he has been in practice with the Dallas ENT Group in Dallas, Texas. He is board certified by the American Board of Otolaryngology and the American Board of Facial and Plastic Reconstructive Surgery. He is a member of the American Academies of Otolaryngology and Facial Plastic and Reconstructive Surgery. He has been published in the American Journal of Physiology and the American Journal of Otology. Additionally, he has presented on his areas of expertise to DUMC, the American Auditory Society, and the

Academy of Otolaryngology & Head and Neck Surgery Foundation. Dr. Hung is an expert in otolaryngology.

Dr. Hung will testify about his August 24, 2022 surgery performed on Jack Adlerstein, the details of which are contained in medical records provided by Baylor Scott & White Surgicare North Dallas (BSW). Dr. Hung will testify about those records and the surgery based on his extensive training and experience, much of which is described in his CV, as well as his observations of the surgery he performed on Mr. Adlerstein. Dr. Hung will testify about the typical procedures used in the type of rhinoplasty and septoplasty surgery he performed on Mr. Adlerstein, and he will also testify to his opinion that the procedure on Mr. Adlerstein was typical and unexceptional until complications arose. Dr. Hung will testify as to his opinion that, because the surgery was unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery. Dr. Hung will testify as to his opinion that the serious complications suffered by Mr. Adlerstein were similar in nature to a patient being given epinephrine. Dr. Hung will also testify about the typical use of local anesthetics used by surgeons performing ENT surgeries, and his opinion that the incident with Mr. Adlerstein could not have been caused by the customary use of local anesthetics.

Dr. Hung has not testified as an expert at any trials or depositions in the last four years. His curriculum vitae has been attached to this filing as Exhibit F. The government expects to demonstrate, by virtue of his education, continuing

training, and experience, that Dr. Hung has specialized knowledge, skills, experience, training, and education in the field of anesthesiology. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to ENT surgery and related anesthesia.

A handwritten signature in black ink, appearing to read 'Th Hung', written over a horizontal line.

Dr. Thomas Hung

Dr. Saad Hussain
Baylor Surgicare North Dallas
12230 Coit Rd Ste 200
Dallas, TX 75251

Dr. Hussain is an anesthesiologist with over 15 years of experience, who practices at numerous facilities throughout North Texas. He received his medical degree from the Lake Erie College of Osteopathic Medicine in Bradenton, Florida. He also received his undergraduate degree from the University of Texas at Arlington in Arlington, Texas. He completed his medical residency at the University of Texas Southwestern in Dallas, Texas and a fellowship in pediatric anesthesiology at the Medical College of Wisconsin in Milwaukee, Wisconsin. He holds a Texas medical license and is a member of the American Society of Anesthesiology, the Texas Medical Association, and the Texas Society of Anesthesiology. He is double board certified by the American Board of Anesthesiology in working with adults and children.

Dr. Hussain will testify about his participation in the August 24, 2022, surgery performed on Jack Adlerstein, the details of which are contained in medical records provided by BSW. Dr. Hussain will testify about those records and the surgery based on his extensive training and experience, much of which is described in his CV, as well as his observations of the anesthesia he administered to Mr. Adlerstein. Dr. Hussain will testify about the typical procedures used in the anesthesia that he administered to Mr. Adlerstein, and he will also testify to his opinion that the procedure on Mr. Adlerstein was typical and unexceptional until complications arose. Dr. Hussain will testify as to his opinion that, because the

anesthesia and surgery were unexceptional, the serious complications that arose were unexpected and were not caused by mistakes or any other obvious events that occurred during the surgery or anesthesia. Dr. Hussain will testify as to his opinion that the serious complications suffered by Mr. Adlerstein were similar in nature to a patient being given epinephrine. Dr. Hussain will also testify about the typical use of local anesthetics during surgeries like that of Mr. Adlerstein, and his opinion that the incident with Mr. Adlerstein could not have been caused by the customary use of local anesthetics.

Dr. Hussain has not testified as an expert at any trials or depositions in the last four years. His curriculum vitae has been attached to this filing as Exhibit G. The government expects to demonstrate, by virtue of his education, continuing training, and experience, that Dr. Hussain has specialized knowledge, skills, experience, training, and education in the field of anesthesiology. Fed. R. Evid. 702(a). Further, the government expects to show that his specialized knowledge and skill will help the trier of fact understand the evidence—here, the evidence relating to anesthesiology.



Dr. Saad Hussain

The government reserves the right to modify or supplement this Notice and will do so as necessary and as circumstances warrant, and with appropriate leave from this Court.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ John J. de la Garza III
John J. de la Garza III
Texas Bar No. 007964555
Assistant United States Attorney
1100 Commerce Street, Room 300
Dallas, Texas 75242-1699
Telephone: 214-659-8682
Email john.delagarza@usdoj.gov

/s/ Patrick R. Runkle
PATRICK R. RUNKLE
Senior Litigation Counsel
Consumer Protection Branch
U.S. Department of Justice
P.O. Box 386
Washington, DC 20044-0386
Telephone: 202-616-0219
E-mail: patrick.r.runkle@usdoj.gov

Certificate Of Service

I certify that a copy of this pleading was served on counsel for the defendant via ECF on February 15, 2024.

s/ John J. de la Garza III
John J. de la Garza III
Assistant United States Attorney